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CHRISTIAN D. ABEL
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In re Application of:

LANGELAND, BJARTE

Serial No.: 10/550,106

Filed: Sep. 21, 2005

Docket: P18966 USPC

Title: HINGED AND SEGMENTED PIPE

DECISION ON PETITION TO
WITHDRAW OF HOLDING
OF FINALITY

This is a decision on the petition filed on Apr. 10, 2008 to withdraw the finality of the Office Action of Apr. 3, 2008. The petition is being considered pursuant to 37 CFR 1.181 and no fee is required for the petition.

The petition is granted.

In the petition, the applicant requested the examiner to withdraw the finality of the Office action mailed on Apr. 3, 2008. In support of his petition, the applicant argues that the final Office action was improper because the examiner failed to treat the amended claims 1-10 of the amendment of Oct. 11, 2004 concurrently filed with the Demand in the PCT phase of the application. This amendment was filed Sep. 21, 2005 as part of the national stage application under 35 U.S.C. 371.

After a careful review of the file history, the preliminary amendment of amended claims 1-10 was never acknowledged and examined by the examiner in the non-final Office action of Oct. 9, 2007. The examiner in fact never treated the amended claims 1-10 as filed with the national stage application. Therefore, claims 1-10 of the amendment filed on Jan. 8, 2008 were not twice rejected in the Office action mailed on Apr. 3, 2008.

Under the circumstances, the relief the applicant requested, namely the withdrawal of the finality of the Apr. 3, 2008 Office Action, is granted. However, the applicant has further amended claims 1-10 in the amendment filed Jan. 8, 2008 in response to the non-final Office action of Oct. 9, 2007. In response, the examiner promulgated an Office action on Apr. 3, 2008. Since the finality of the Office actions mailed on Apr. 3, 2008 is premature and thus the finality of the action is hereby withdrawn. The period to respond to the last Office action of Apr. 3, 2008 remains

unchanged. Since the finality is being withdrawn, any amendment responding to the Office action dated Apr. 3, 2008 will be treated as a 37 CFR § 1.111 amendment. The application is being forwarded to the Supervisory Patent Examiner of Art Unit 3754 for further processing. Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED



Frederick R. Schmidt, Director
Technology Center 3700